

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-1 ANTONIO HEATH,

Defendant.

Case: 2:23-cr-20071

Assigned To : Drain, Gershwin A.

Referral Judge: Grand, David R.

Assign. Date : 2/7/2023 1:26 PM

Description: INDI USA V. HEATH (DA)

Violations: 21 U.S.C. § 841(a)(1)
18 U.S.C. § 922(g)(1)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

21 U.S.C. § 841(a)(1)

*Possession with Intent to Distribute a Controlled Substance
(Fentanyl)*

On or about November 15, 2022, in the Eastern District of Michigan, Southern Division, the defendant, ANTONIO HEATH, knowingly and intentionally possessed with the intent to distribute a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly known as fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWO

18 U.S.C. § 922(g)(1)

Felon in Possession of a Firearm

On or about November 15, 2022, in the Eastern District of Michigan, Southern Division, the defendant, ANTONIO HEATH, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, a firearm, that is one .45 caliber Smith and Wesson M& P Shield semi-automatic pistol, and one 9mm Smith and Wesson M&P firearm, in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATIONS

21 U.S.C. § 853, 18 U.S.C. § 924(d), 28 U.S.C. § 2461

Criminal Forfeiture

The allegations contained in Counts One and Two of this Indictment are incorporated by reference for the purpose of alleging forfeiture pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d), together with 28 U.S.C. § 2461(c).

Pursuant to 21 U.S.C. § 853(a), upon conviction of the offenses in violation of 21 U.S.C. § 841 set forth in Count One of this Indictment, the defendant shall forfeit to the United States: (a) any property, real or personal, constituting or derived from, any proceeds obtained, directly or indirectly, as a result of such violation(s); and (b) any property, real or personal, used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation(s).

Pursuant to 18 U.S.C. § 924(d) together with 28 U.S.C. § 2461(c), upon conviction of the offenses in violation of 18 U.S.C. § 922(g)(1) set forth in Count Two of this Indictment, the defendant shall forfeit to the United States any firearm or ammunition involved in or used in any knowing violation of said offense, including but not limited to: one .45 caliber Smith and Wesson M& P Shield semi-automatic pistol and one 9mm Smith and Wesson M&P firearm.

Money Judgment: Such property includes, but is not limited to, a money judgment in an amount to be determined, representing the total value of all property subject to forfeiture as described herein.

Substitute Assets: If any of the property described above, as a result of any act or omission of the defendant(s):

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), to forfeit any property of such defendant up to the value of the forfeitable property described above.

THIS IS A TRUE BILL.

s/Grand Jury Foreperson
GRAND JURY FOREPERSON

DAWN N. ISON
United States Attorney

s/Brandy R. McMillion
BRANDY R. McMILLION
Chief, General Crimes Unit
Assistant United States Attorney

s/Diane N. Princ
DIANE N. PRINC
Assistant United States Attorney

Date: February 7, 2023

United States District Court Eastern District of Michigan	Criminal Case Cover
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <u>DNP</u>

Case Title: USA v. ANTONIO HEATH

County where offense occurred : Wayne

Check One: ☒ Felony ☐ Misdemeanor ☐ Petty

/ ☐ Indictment/ ☐ Information --- no prior complaint.
/ ☒ Indictment/ ☐ Information --- based upon prior complaint [Case number: 22-mj-30520]
/ ☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: _____ Judge: _____

- ☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☐ Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
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Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

February 7, 2023 ✓
Date


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¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.